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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/12/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FRANKLIN RAY

Order of Restitution

S1 22 Cr. 228 (AT)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Matthew Weinberg, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction on Counts One through Five of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

FRANKLIN RAY, the defendant, shall pay restitution in the total amount of \$21,587,671.18, pursuant to 18 U.S.C. § 3663 and 18 U.S.C. § 3663A, to the victims of the offenses charged in Counts One through Five. The names, addresses, and specific amounts owed to each victim are set forth in Schedule A, to be submitted to the Clerk of Court by the United States Attorney's Office. Pursuant to 18 U.S.C. § 3664(d)(5), if the Government or any victims subsequently discover further losses, within 60 days after such discovery, the Government and/or victim(s) may petition the court for amended restitution order, which may be granted only upon a showing of good cause for the omission from the original Schedule A. Upon advice by the USAO of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

The defendant shall receive credit for any payments made by any co-defendant(s) to any victim(s) they share in common to prevent double recovery to a victim as set forth in Schedule A.

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victim(s) identified in the Schedule of Victims, to be submitted to the Clerk of Court and as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows: The total amount of restitution is due immediately, and in the interest of justice, it is payable in installments of at least 15% of the defendant's gross monthly income pursuant to 18 U.S.C. § 3572(d)(1) and (2).

While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in installments of at least 15 percent of the defendant's gross income on the first day of each month.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money

orders shall be made payable to the “SDNY Clerk of Court” and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney’s Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant’s name, residence, or mailing address or (2) any material change in the defendant’s financial resources that affects the defendant’s ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant’s liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant’s release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant’s estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

6. Sealing

Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victim(s), the Schedule of Victims, to be attached hereto as Schedule A, shall be filed under seal, except that copies may be retained and used by or disclosed to the listed victims, the Government, the investigating agency, the Clerk's Office, and the Probation Office, as needed to effect and enforce this Order, without further order of this Court.

SO ORDERED.

Dated: February 12, 2024
New York, New York



ANALISA TORRES
United States District Judge